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In re application of

Dominique Gagnon et al.

Serial No. 09/858,447

Filed: May 17, 2001

For: AUTOMATIC LIQUID ANALYSER AND  
QUALITY CONTROLLER :

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DECISION ON  
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed November 03, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed October 07, 2005, be withdrawn since the applicant did not receive the Office letter mailed November 30, 2004.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, see MPEP 711.03(c). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Office letter, mailed November 30, 2004. The evidence provided includes a statement by the petitioner that the Office letter, mailed November 30, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter originally mailed November 04, 2004 and restarting of the period of response from the remail date thereof.

The Petition is GRANTED.

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